

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

CHAMBERS OF BRIAN D. LYNCH
U.S. BANKRUPTCY JUDGE

U.S. Courthouse
1717 Pacific Ave., Suite 2155
Tacoma, WA 98402-3233
(253) 882 - 3960

July 30, 2020

Susan Brown
653 N.E. Franklin Ave.
Chehalis, WA 98532

Via First Class Mail

Re: *In re Susan Kay Brown, Case No. 19-43853-BDL*
Motion to Appear Before the Judge about Said Properties

Dear Ms. Brown:

The Court has received your “Motion to Appear Before the Judge about Said Properties,” which was filed in the bankruptcy case referenced above under ECF No. 37 (hereinafter, the “Motion”).

Please refer to the prior letter sent by the Court, dated June 17, 2020. There are several problems with the Motion, such that the Court cannot set the matter for hearing at this time. The matter will not be heard unless you take further action.

The Motion you filed left the Notice of Hearing blank, not providing any information about the hearing. As noted in the Court’s prior letter, motions need to be properly placed on the Court’s calendar and be accompanied by a Notice of Hearing pursuant to Local Bankruptcy Rules 9013-1(b) and (c). The Notice of Hearing must provide the date and time of the hearing, and the date and time must correspond to one of the Court’s available calendar dates. The available calendar dates may be found at <http://www.wawb.circ9.dcn/judge-brian-d-lynch>. Because your case is in chapter 7, the hearing will need to be scheduled for 9:00 am on one of the available dates. Another consideration, however, is that you must provide the requisite amount of notice of the hearing to all parties in interest in your bankruptcy, including your creditors and the Chapter 7 Trustee. Pursuant to Local Bankruptcy Rule (“LBR”) 9013-1(d)(2)(F), most motions must be filed and served upon the appropriate parties at least 21 days preceding the date fixed for hearing. Therefore, you must set the hearing date according to when you serve your motion on all parties in interest in your case such that they receive 21 days’ notice. As of now, the earliest hearing date available for your motion would be August 26, 2020 if you were to promptly serve the Motion on all parties in interest.

Consider also that the courthouse is currently closed due to COVID-19, such that all hearings are being held telephonically. Your Notice of Hearing must indicate that the hearing will be held telephonically, and must provide instructions on how to call in to the hearing. The instructions for calling in to a telephonic hearing in my courtroom are available at <http://www.wawb.circ9.dcn/COVID-19-Page> (find the “Conference Call Information for Each

Chambers” and use the instructions for Judge Brian Lynch).

Finally, as noted in the Court’s last letter, you must certify that you have properly served each party pursuant to Local Bankruptcy Rule 9013-1(d)(2)(B). The Motion only included a blank Certificate of Service, so there is no evidence that you properly served any of the required parties.

The Court continues to strongly recommend that you seek the advice of an attorney in proceeding with your bankruptcy. As the Court has already noted, the Chapter 7 Trustee has indicated that he seeks to challenge the dismissal of your case. It is up to you or your attorney to correctly follow the procedural rules in filing a motion and setting a matter for hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian D. Lynch", written in a cursive style.

Hon. Brian D. Lynch

Cc:

Susan Brown
1319 Bishop Road
Chehalis, WA 98532

Susan Brown
1327 Bishop Road
Chehalis, WA 98532